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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of D.A., Correction
Officer Recruit (S9988R),
Department of Corrections

CSC Docket No. 2014-1224

Medical Review Panel

ISSUED: JUL 31 2014 (BS)

D.A. appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9988R) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on April 17, 2014, which rendered the attached report and recommendation on April 17, 2014. No exceptions were filed by the parties.

The report by the Medical Review Panel discusses all submitted evaluations. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Correction Officer Recruit, indicate that the candidate is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. Accordingly, the Panel recommended that the applicant be removed from the eligible list.

CONCLUSION

The Class Specification for Correction Officer Recruit is the official job description for such State positions within the merit system. According to the specification, an Officer is involved in providing appropriate care and custody of a designated group of inmates. These Officers must strictly follow rules, regulations, policies and other operational procedures of that institution. Examples of work

include: encouraging inmates toward complete social rehabilitation; patrolling assigned areas and reporting unusual incidents immediately; preventing disturbances and escapes; maintaining discipline in areas where there are groups of inmates; ensuring that institution equipment is maintained and kept clean; inspecting all places of possible egress by inmates; finding weapons on inmates or grounds; noting suspicious persons and conditions and taking appropriate actions; and performing investigations and preparing detailed and cohesive reports.

The specification notes the following as required skills and abilities needed to perform the job: the ability to understand, remember and carry out oral and written directions and to learn quickly from written and verbal explanations; the ability to analyze custodial problems, organize work and develop effective work methods; the ability to recognize significant conditions and take proper actions in accordance with prescribed rules; the ability to perform repetitive work without loss of equanimity, patience or courtesy; the ability to remain calm and decisive in emergency situations and to retain emotional stability; the ability to give clear, accurate and explicit directions; and the ability to prepare clear, accurate and informative reports of significant conditions and actions taken.

The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits, which were identified and supported by test procedures and the behavioral record, relate adversely to the appellant's ability to effectively perform the duties of the title. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that D.A. is psychologically unfit to perform effectively the duties of a Correction Officer Recruit and, therefore, the Commission orders that her name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 30TH DAY OF JULY, 2014



Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachments

c: D.A.
Jennifer Rodriguez
Kenneth Connolly

TO: State of New Jersey, Department of Personnel
Merit System Practices & Labor Relations

FROM: Medical Review Panel
(Angelica Diaz-Martinez, Psy.D., Evan Feibusch, M.D., Joel Friedman, Ph.D.)

RE: [REDACTED]

DATE: 4/17/2014

Identifying Information:

Ms. [REDACTED] is a 29-year-old applicant to the New Jersey Department of Corrections for the position of Corrections Officer Recruit. Her name was removed from the eligibility list of the hiring authority for the reason of being psychologically unfit for the position. The applicant was interviewed by Guillermo Gallegos, Ph.D. on behalf of the hiring authority, and by Kenneth McNeil, Ph.D. on behalf of the applicant. Ms. [REDACTED] was present at the meeting. Dr. Gallegos was present on behalf of the hiring authority.

Documents Reviewed:

- Psychological Report, Guillermo Gallegos, Ph.D., 9/30/2013
- State of NJ Law Enforcement Application Investigation Report, SCO Warren White, 8/20/2013
- Candidate Statement regarding Allies Inc., [REDACTED] 8/17/2013
- Candidate Statement regarding The Arc of Union, [REDACTED], 8/17/2013
- Results of the Candidate and Officer Personnel Survey ("COPS"), 7/8/2013
- Interpretive Hypothesis and Public Safety Profile Fit (from IFP), undated
- Biographical Summary Form, Parts #1 and #2, undated
- Writing Sample, undated
- Corrections Officer Writing Sample (IFP), 7/8/2013
- Psychological Evaluation, Kenneth McNeil, Ph.D., 12/18/2013

Findings of Previous Examiners:

Dr. Gallegos conducted a psychological evaluation that included a clinical interview and the tests and questionnaires noted above. On the Shipley Institute of Living Scale, Ms. [REDACTED]'s IQ was estimated at 95, indicating average intellectual functioning. Dr. Gallegos raised concerns about Ms. [REDACTED]'s work history, primarily as a direct care staff for disabled group home residents, citing her having been terminated from four different positions. The reasons for being fired were for making too many medication errors, sending a text to a supervisor that was deemed to be inappropriate, "no call/ no show," and "wrong vacation days." He also cited discrepancies between what Ms. [REDACTED] had written on her biographical summary form and her interview.

The Edwards Personal Preference Schedule was interpreted as being relatively high in aggression as compared to the normed group, and showing lower than average similarity to positively rated new employees in public safety agencies. Ms. [REDACTED] was not recommended for appointment for the position.

Dr. McNeil interviewed the applicant and administered the Minnesota Multiphasic Personality Inventory - II (MMPI). Dr. McNeil reviewed Ms. [REDACTED]'s personal history, and specifically with regard to her work history, wrote, "She denied any work problems with attendance, punctuality, or fitness for duty and she has positive work references to provide, as needed." The

MMPI was described as having marginal validity due to defensive responding and interpreted as not having evidence of significant psychological disturbance or criminal personality traits. He opined that Ms. [REDACTED] was psychologically suitable for corrections work.

Ms. [REDACTED]'s Appearance Before the Panel:

Ms. [REDACTED] presented as a neatly dressed woman who appeared to be about her stated age. Her behavior during the MRP was unremarkable and she did not show signs of overt psychopathology such as psychosis or thought disorder. She answered the questions of the MRP in a cooperative manner.

The applicant informed the MRP that she had been uneventfully working for a company that provided direct care staff for group homes and day programs. She had been terminated from her prior position with Easter Seals due to making too many errors related to medications. She had been let go from her previous position after impulsively sending a text to her supervisor that she described as "mean." She explained that they were friends and she saw him as demonstrating favoritism towards another co-worker that he had been friends with as well. She justified her behavior by stating that she had sent the text while she was off duty, but also acknowledged that she could have handled the situation better. She had been terminated from another position for "no show/ no call." This had occurred twice before she was let go. She stated that this was due to "overbooking" herself and that she had forgotten that she was scheduled to work. She had been terminated from a fourth position when she was expected back from vacation and did not return on that day due to confusion about when she was scheduled off.

In the time since the IFP interview, she had not had any legal problems, new driver's license suspensions, or motor vehicle accidents. She had continued to have problems with her credit, but had not had to file for bankruptcy.

Ms. [REDACTED]'s responses to questions concerning gender and racial bias in the IFP's testing were explored by the panel. She did not offer explanations for her responses, and continued to endorse them in the same manner.

Conclusion:

In Ms. [REDACTED]'s case, the evaluators on behalf of the applicant and the hiring authority reached differing conclusions and recommendations. Dr. Gallegos cited concerns about Ms. [REDACTED]'s work history and testing results in finding the applicant unfit. Dr. McNiel did not see the same issues as significant and opined that the psychological testing that he had administered was unremarkable.

The MRP had similar concerns to Dr. Gallegos regarding the applicant's work history, particularly with regard to the text sent to a supervisor and justified by the applicant as having occurred out of work hours, and the problems with her not being at work when scheduled. We were also concerned about the applicant's response to testing items related to gender/ racial bias.

Taking into consideration the evaluations of Drs. Gallegos and McNiel, Ms. [REDACTED]'s presentation, the psychological test results, and the behavioral record when viewed in light of the job specifications for Corrections Officer Recruit, it is our opinion that the applicant is not fit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld.

Recommendation:

It is the recommendation of the Panel that the candidate, [REDACTED], be removed from the eligibility list.

Evan L. Feibusch, M.D.

Evan L. Feibusch, M.D.
Diplomate of the American Board of
Psychiatry with Certification in the
Subspecialty of Forensic Psychiatry

4/17/2014

Date